

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ST. LOUIS-KANSAS CITY )  
CARPENTERS REGIONAL COUNCIL, )  
et al., )

Plaintiffs, )

v. )

Case No. 4:17CV01262 AGF

SCHALTENBRAND CONSTRUCTION, )  
INC., )

Defendant. )

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs' motion for an order compelling Defendant Schaltenbrand Construction, Inc., to account to Plaintiffs, by means of an audit, for all amounts owing to Plaintiffs as a result of delinquent payments to employee benefit funds under the Employee Retirement Income Security Act, 29 U.S.C. § 1001, *et seq.* ("ERISA"). On May 19, 2017, the Clerk of Court entered default against Defendant. Plaintiffs now seek the audit so that they can determine the amount of Defendant's liability. Defendant has not responded to the motion.

Requiring an audit is an appropriate form of relief in an ERISA case for delinquent benefits where the amount of the delinquency is not known. *Int'l Painters & Allied Trades Indus. Pension Fund v. R.W. Amrine Drywall Co.*, 239 F. Supp. 2d 26, 33 (D.D.C. 2002) (stating that an audit "promote[s] the legislative intent of ERISA").

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs' motion for an Order compelling an accounting is **GRANTED**. (ECF No. 5.)

**IT IS FURTHER ORDERED** that Defendant shall submit its books to an audit by an auditor of Plaintiffs' choice, within 28 days of the date of this Memorandum and Order, at Defendant's cost. **Failure to comply with this Order may result in a finding of civil contempt and the imposition of sanctions including a fine and/or incarceration.**

**IT IS FURTHER ORDERED** that Plaintiffs shall effect service of this Memorandum and Order on Defendant by whatever means they believe to be most effective, and shall promptly file a certificate of such service.

**IT IS FURTHER ORDERED** that Plaintiffs shall have 14 days after completion of the audit to file a properly supported motion for default judgment. If said motion is not filed prior to July 31, 2017, Plaintiff shall file a status report with the Court on that date.



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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 31st day of May, 2017